

1 AN ACT relating to discriminatory practices against a person.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 344.010 is amended to read as follows:

4 **As used** in this chapter:

5 (1) "Person" includes one (1) or more individuals, labor organizations, joint  
6 apprenticeship committees, partnerships, associations, corporations, legal  
7 representatives, mutual companies, joint-stock companies, trusts, unincorporated  
8 organizations, trustees, trustees in bankruptcy, fiduciaries, receivers, or other legal  
9 or commercial entity; the state, any of its political or civil subdivisions or  
10 agencies;[ ]

11 (2) "Commission" means the Kentucky Commission on Human Rights;[ ]

12 (3) "Commissioner" means a member of the commission;[ ]

13 (4) "Disability" means, with respect to an individual:

14 (a) A physical or mental impairment that substantially limits one (1) or more of  
15 the major life activities of the individual;

16 (b) A record of such an impairment; or

17 (c) Being regarded as having such an impairment;[ ]

18 Persons with current or past controlled substances abuse or alcohol abuse problems  
19 and persons excluded from coverage by the Americans with Disabilities Act of  
20 1990 (P.L. 101-336) shall be excluded from this section;[ ]

21 (5) "Discrimination" means any direct or indirect act or practice of exclusion,  
22 distinction, restriction, segregation, limitation, refusal, denial, or any other act or  
23 practice of differentiation or preference in the treatment of a person or persons, or  
24 the aiding, abetting, inciting, coercing, or compelling thereof made unlawful under  
25 this chapter;[ ]

26 (6) **"Protective hairstyles" includes but is not limited to such hairstyles as braids,**  
27 **locks, and twists;**

1 (7) "Real property" includes buildings, structures, real estate, lands, tenements,  
2 leaseholds, cooperatives, condominiums, and hereditaments, corporeal and  
3 incorporeal, or any interest in the above;[f-]

4 (8)[f(7)] "Housing accommodations" includes improved and unimproved property and  
5 means any building, structure, lot or portion thereof, which is used or occupied, or  
6 is intended, arranged, or designed to be used or occupied as the home or residence  
7 of one (1) or more families, and any vacant land which is offered for sale or lease  
8 for the construction or location thereon of any such building or structure;[f-]

9 (9)[f(8)] **"Race" includes traits historically associated with race, including but not**  
10 **limited to hair texture and protective hairstyles;**

11 (10) "Real estate operator" means any individual or combination of individuals, labor  
12 organizations, joint apprenticeship committees, partnerships, associations,  
13 corporations, legal representatives, mutual companies, joint-stock companies, trusts,  
14 unincorporated organizations, trustees in bankruptcy, receivers, or other legal or  
15 commercial entity, the county, or any of its agencies, that is engaged in the business  
16 of selling, purchasing, exchanging, renting, or leasing real estate, or the  
17 improvements thereon, including options, or that derives income, in whole or in  
18 part, from the sale, purchase, exchange, rental, or lease of real estate; or an  
19 individual employed by or acting on behalf of any of these;[f-]

20 (11)[f(9)] "Real estate broker" or "real estate salesman" means any individual, whether  
21 licensed or not, who, on behalf of others, for a fee, commission, salary, or other  
22 valuable consideration, or who with the intention or expectation of receiving or  
23 collecting the same, lists, sells, purchases, exchanges, rents, or leases real estate, or  
24 the improvements thereon, including options, or who negotiates or attempts to  
25 negotiate on behalf of others such an activity; or who advertises or holds himself **or**  
26 **herself** out as engaged in these activities; or who negotiates or attempts to negotiate  
27 on behalf of others a loan secured by mortgage or other encumbrance upon a

1 transfer of real estate, or who is engaged in the business of charging an advance fee  
2 or contracting for collection of a fee in connection with a contract whereby he or  
3 she undertakes to promote the sale, purchase, exchange, rental, or lease of real  
4 estate through its listing in a publication issued primarily for this purpose; or any  
5 person employed by or acting on behalf of any of these;[-]

6 (12)~~(10)~~ "Financial institution" means bank, banking organization, mortgage company,  
7 insurance company, or other lender to whom application is made for financial  
8 assistance for the purchase, lease, acquisition, construction, rehabilitation, repair,  
9 maintenance, or improvement of real property, or an individual employed by or  
10 acting on behalf of any of these;[-]

11 (13)~~(11)~~ "Licensing agency" means any public or private organization which has as  
12 one (1) of its duties the issuing of licenses or the setting of standards which an  
13 individual must hold or must meet as a condition to practicing a particular trade or  
14 profession or to obtaining certain employment within the state or as a condition to  
15 competing effectively with an individual who does hold a license or meet the  
16 standards;[-]

17 (14)~~(12)~~ "Credit transaction" shall mean any open or closed end credit transaction  
18 whether in the nature of a loan, retail installment transaction, credit card issue or  
19 charge, or otherwise, and whether for personal or for business purposes, in which a  
20 service, finance, or interest charge is imposed, or which provides for repayment in  
21 scheduled payments, when such credit is extended in the course of the regular  
22 course of any trade or commerce, including but not limited to transactions by banks,  
23 savings and loan associations, or other financial lending institutions of whatever  
24 nature, stock brokers, or by a merchant or mercantile establishment which as part of  
25 its ordinary business permits or provides that payment for purchases of property or  
26 services therefrom may be deferred;[-]

27 (15)~~(13)~~ "To rent" means to lease, to sublease, to let, or otherwise to grant for a

1 consideration the right to occupy premises not owned by the occupant;[-]

2 ~~(16)~~~~(14)~~ "Family" includes a single individual;[-]

3 ~~(17)~~~~(15)~~ (a) "Familial status" means one (1) or more individuals who have not  
4 attained the age of eighteen (18) years and are domiciled with:

5 1. A parent or another person having legal custody of the individual or  
6 individuals; or

7 2. The designee of a parent or other person having custody, with the  
8 written permission of the parent or other person.

9 (b) The protection afforded against discrimination on the basis of familial status  
10 shall apply to any person who is pregnant or is in the process of securing legal  
11 custody of any individual who has not attained the age of eighteen (18) years;  
12 and[-]

13 ~~(18)~~~~(16)~~ "Discriminatory housing practice" means an act that is unlawful under KRS  
14 344.360, 344.367, 344.370, 344.380, or 344.680.

15 ➔Section 2. KRS 158.148 is amended to read as follows:

16 (1) (a) As used in this section, "bullying" means any unwanted verbal, physical, or  
17 social behavior among students that involves a real or perceived power  
18 imbalance and is repeated or has the potential to be repeated:

19 1. That occurs on school premises, on school-sponsored transportation, or  
20 at a school-sponsored event; or

21 2. That disrupts the education process.

22 (b) This definition shall not be interpreted to prohibit civil exchange of opinions  
23 or debate or cultural practices protected under the state or federal Constitution  
24 where the opinion expressed does not otherwise materially or substantially  
25 disrupt the education process.

26 (2) In cooperation with the Kentucky Education Association, the Kentucky School  
27 Boards Association, the Kentucky Association of School Administrators, the

1 Kentucky Association of Professional Educators, the Kentucky Association of  
2 School Superintendents, the Parent-Teachers Association, the Kentucky Chamber  
3 of Commerce, the Farm Bureau, members of the Interim Joint Committee on  
4 Education, and other interested groups, and in collaboration with the Center for  
5 School Safety, the Department of Education shall develop or update as needed and  
6 distribute to all districts by August 31 of each even-numbered year, beginning  
7 August 31, 2008:

8 (a) Statewide student discipline guidelines to ensure safe schools, including the  
9 definition of serious incident for the reporting purposes as identified in KRS  
10 158.444;

11 (b) Recommendations designed to improve the learning environment and school  
12 climate, parental and community involvement in the schools, and student  
13 achievement; and

14 (c) A model policy to implement the provisions of this section and KRS 158.156,  
15 158.444, 525.070, and 525.080.

16 (3) The department shall obtain statewide data on major discipline problems and  
17 reasons why students drop out of school. In addition, the department, in  
18 collaboration with the Center for School Safety, shall identify successful strategies  
19 currently being used in programs in Kentucky and in other states and shall  
20 incorporate those strategies into the statewide guidelines and the recommendations  
21 under subsection (2) of this section.

22 (4) Copies of the discipline guidelines shall be distributed to all school districts. The  
23 statewide guidelines shall contain broad principles and legal requirements to guide  
24 local districts in developing their own discipline code and school councils in the  
25 selection of discipline and classroom management techniques under KRS 158.154;  
26 and in the development of the district-wide safety plan.

27 (5) (a) Each local board of education shall be responsible for formulating a code of

1 acceptable behavior and discipline to apply to the students in each school  
2 operated by the board. The code shall be updated no less frequently than every  
3 two (2) years, with the first update being completed by November 30, 2008.

4 (b) The superintendent, or designee, shall be responsible for overall  
5 implementation and supervision, and each school principal shall be  
6 responsible for administration and implementation within each school. Each  
7 school council shall select and implement the appropriate discipline and  
8 classroom management techniques necessary to carry out the code. The board  
9 shall establish a process for a two-way communication system for teachers  
10 and other employees to notify a principal, supervisor, or other administrator of  
11 an existing emergency.

12 (c) The code shall prohibit bullying.

13 (d) **The code shall prohibit discrimination on the basis of race as defined in**  
14 **Section 1 of this Act.**

15 (e) The code shall contain the type of behavior expected from each student, the  
16 consequences of failure to obey the standards, and the importance of the  
17 standards to the maintenance of a safe learning environment where orderly  
18 learning is possible and encouraged.

19 ~~(f)(e)~~ The code shall contain:

20 1. Procedures for identifying, documenting, and reporting incidents of  
21 bullying, incidents of violations of the code, and incidents for which  
22 reporting is required under KRS 158.156;

23 2. Procedures for investigating and responding to a complaint or a report of  
24 bullying or a violation of the code, or of an incident for which reporting  
25 is required under KRS 158.156, including reporting incidents to the  
26 parents, legal guardians, or other persons exercising custodial control or  
27 supervision of the students involved;

- 1           3. A strategy or method of protecting from retaliation a complainant or
- 2           person reporting an incident of bullying, a violation of the code, or an
- 3           incident for which reporting is required under KRS 158.156;
- 4           4. A process for informing students, parents, legal guardians, or other
- 5           persons exercising custodial control or supervision, and school
- 6           employees of the requirements of the code and the provisions of this
- 7           section and KRS 158.156, 158.444, 525.070, and 525.080, including
- 8           training for school employees; and
- 9           5. Information regarding the consequences of bullying and violating the
- 10          code and violations reportable under KRS 158.154, 158.156, or 158.444.
- 11          ~~(g)(f)~~ The principal of each school shall apply the code of behavior and
- 12          discipline uniformly and fairly to each student at the school without partiality
- 13          or discrimination.
- 14          ~~(h)(g)~~ A copy of the code of behavior and discipline adopted by the board of
- 15          education shall be posted at each school. Guidance counselors shall be
- 16          provided copies for discussion with students. The code shall be referenced in
- 17          all school handbooks. All school employees and parents, legal guardians, or
- 18          other persons exercising custodial control or supervision shall be provided
- 19          copies of the code.
- 20          ➔Section 3. This Act may be cited as the C.R.O.W.N. Act.